

REMARKS

Claims 1, 3 and 19-21 have been amended. Claims 6-9 and 13-16 have been canceled. Claims 1, 3, 5, 10-12 and 17-22 remain pending in the present application. Applicant reserves the right to pursue the original and other claims in this and other applications.

Claims 1, 3 and 5-22 stand rejected under § 102 as being anticipated by Pike (U.S. Patent No. 6,459,371) in view of Bolavage (U.S. Publication No. 2002/0084889). The rejection is respectfully traversed.

Claim 1 recites a tracking device system “consisting” of “a physical asset; a transmitter, attached to the physical asset, for transmitting a first data signal; a communication means for receiving the first data signal and subsequently transmitting a second data signal via a world wide web connection, the second data signal comprising a location of the transmitter; and a receiving means for receiving the second data signal and for housing a software program for enabling a user to use the received location to track the physical asset, wherein the physical asset, the communication means and the receiving means are different devices, in continuous communication and track the location of the physical asset, and the receiving means displays a status symbol corresponding to the location of the physical asset whereby if the status symbol is a first color the physical asset is not detected, if the status symbol is a second color the physical asset is detected but not detected in its proper location, and if the status symbol is a third color the physical asset is detected in its proper location.”

Claim 3 recites a method of tracking an asset comprising the steps of “forming a communications network by forming a world wide web connection between a personal computer and central server; transmitting a first data signal in real-time, via the communications network, from the personal computer to the central server to inquire the location of a physical asset; communicating with the physical asset from the central server via the communications network; tracking the physical asset by transmitting a second data signal over the communications network, said second data signal comprising a location of the physical asset; interrogating the second data signal to determine a status signal; storing the determined status signal in the central server; and outputting a status symbol representing the stored status signal, wherein the outputting step comprises outputting a first color status symbol if the physical asset is not

detected, the outputting step comprises outputting a second color status symbol if the physical asset is detected in its proper location, and the outputting step comprises outputting a third color status symbol if the physical asset is detected, but not detected in its proper location.” Claims 20 and 21 recite similar features.

Claims 19 recites a computer system comprising “at least one website linked to the at least one server through the computer network, wherein the website provides a user interface through which a user can access a tracking program; and a tracking module.” Claim 19 further recites that the tracking module comprises a tracking device system “consisting” of: “a physical asset; a transmitter, attached to the physical asset, for transmitting a first data signal; a communication means for receiving the first data signal and subsequently transmitting a second data signal via a world wide web connection, the second data signal comprising a location of the transmitter; and a receiving means for receiving the second data signal and for housing a software program for enabling a user to use the received location to track the physical asset, wherein the physical asset, the communication means and the receiving means are different devices, in continuous communication and track the location of the physical asset, and the receiving means displays a status symbol corresponding to the location of the physical asset where if the status symbol is red the physical asset is not detected, if the status symbol is yellow the physical asset is detected but not detected in its proper location, and if the status symbol is green the physical asset is detected in its proper location.”

In the claimed invention, the system consists only of the elements of claim 1, where for example, using a device 12 located remotely from the physical asset 14, information is requested regarding the location of the physical asset 14 via communication means (e.g., a central server) 16. In use, a data signal (first data signal) is sent from the physical asset 14 to the communication means 16 corresponding to the location of the physical asset 14. Once the data signal is received, the communication means 16 sends the location of the physical asset 14 by transmitting a second data signal comprising the location of the physical asset to remote device 12, via the world wide web, where the location is stored, and, if desired, displayed. As one may assume, physical asset 14 and remote device 12 are different devices. If the physical asset is not detected, remote device 12 will display a first color (e.g., red) status symbol. If the physical asset is detected in its proper location, remote device 12 will display a second color (e.g., green)

status symbol. If the physical asset is detected, but not detected in its proper location, remote device 12 will display a third different color (e.g., yellow) status symbol.

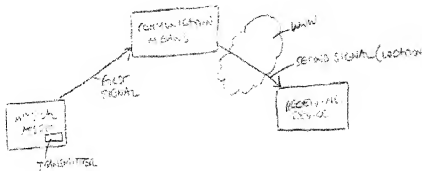
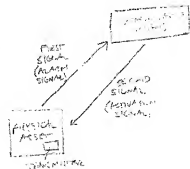


Illustration of an embodiment of the claimed invention



Pike

These limitations are not disclosed or suggested by the cited combination (Pike and Bolavage). As illustrated above, Pike discloses a two-way radio communication system for tracking a device's location. In Pike's system, there is 1) no receiving means, 2) no second signal carrying a location, and 3) no second signal being received by a receiving means which is a different device than the transmitter. Further, Pike does not disclose or suggest the "status" display system of the claimed invention. In other words, Pike does not disclose or suggest displaying 1) a first color (e.g., red) status symbol if the physical asset is not detected, 2) a second color (e.g., green) status symbol if the physical asset is detected in its proper location, and/or 3) a third color (e.g., yellow) status symbol if the physical asset is detected, but not detected in its proper location. Therefore, Applicant respectfully submits that the system of the claimed invention is distinct from that of Pike.

The Office Action attempts to cure the shortcomings of Pike by combining it with Bolavage. Bolavage, however, generally refers to nothing more than a method and apparatus for communicating with RF tags using multiple frequencies. In particular, Bolavage refers to a method that can communicate with tags from various manufacturers. The Bolavage system is not designed to, or even relevant to, a system designed to track the location of physical assets.

Thus, whether considered alone or in combination, Applicant respectfully submits that the cited references are defective and fail to provide a motivation to combine the cited


references to achieve the claimed invention. One of ordinary skill in the art at the time of invention would not have looked to a system that can communicate with tags from various manufacturers to modify a two-way radio communication system to achieve a tracking device system consisting of “[a] physical asset, . . . [a] communication means, . . . and [a] receiving means” where “the physical asset, the communication means and the receiving means are different devices, in continuous communication and track the location of the physical asset, and the receiving means displays a status symbol corresponding to the location of the physical asset whereby if the status symbol is a first color the physical asset is not detected, if the status symbol is a second color the physical asset is detected but not detected in its proper location, and if the status symbol is a third color the physical asset is detected in its proper location,” for example as recited in claim 1.

Therefore, Applicant respectfully submits that the cited combination of Pike and Bolavage fail to disclose, teach or suggest all of the limitations of claims 1, 3 and 19-21. Therefore, Applicant submits that claims 1, 3 and 19-21 should be allowable. Claim 5 depends from claim 3 and is allowable along with claim 3. Claims 10-12, 17 and 18 depend from claim 1 and are allowable along with claim 1. Claim 22 depends from claim 21 and is allowable along with claim 21. Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims be allowed.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

Gianni Minutoli

Registration No.: 41,198

Charles J. Monterio, Jr.

Registration No.: 62,381

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorney for Applicant